

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Garry R. WHYTE

Serial No.: 10/624,872 Examiner: Kidest BAHTA

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For: CODE FOR OBJECT IDENTIFICATION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF GARRY R. WHYTE

I, GARRY R. WHYTE, hereby declare:

1. I am the inventor of this U.S. Patent Application Serial No. 10/624,872, filed July 21, 2003, which claims the benefit of U.S. Provisional Patent Application Serial No. 60/398,432, filed July 24, 2002.

2. The original conception of this invention occurred before January 4, 2002. The original application of the invention was to provide a way to detect counterfeit aircraft parts. As an example of the use of this invention, Exhibit A shows a helicopter bearing inscribed with a code according to an embodiment of the invention. This photo, while itself undated, was taken before January 4, 2002.

3. Exhibit B is a copy of a summary (hereinafter referred to as "Summary") prepared before January 4, 2002. The Summary teaches the invention as claimed in U.S. Patent Application Serial No. 10/624,872 filed July 21, 2003, and supported by U.S. Provisional Patent Application Serial No. 60/398,432, filed July 24, 2002, from which this utility patent application

claims priority. Specifically, the features of the claimed invention are described in the Summary as follows:

The features of independent claim 1 are described in the Summary:

- ◇ a receiver operative to receive an object identifier (“[t]he client may want to upload data that individually tracks each item”: *see* Summary, page 3)
- ◇ a code generator to generate a code (“Base35 numbers rigorously selected at random”: *see* Summary, page 3)
- ◇ a database operative to associate the code with the object identifier (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ a transmitter operative to transmit the code (“deliver [the Base35 numbers], on demand, to any client who asks”: *see* Summary, page 3)

The features of independent claim 9 are described in the Summary:

- ◇ a database including at least a first code associated with a first object identifier and a first information about an object identified by the object identifier (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ a receiver operative to receive an inquiry about a second code (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ a code comparator to compare the second code with the first code (“[a] **PartsCode** allows anyone to quickly ascertain whether the part and person handing it to them are authentic”: *see* Summary, page 6)
- ◇ a transmitter operative to transmit the first information associated with the first object identifier if the second code matches the first code (“[the customer] might discover that it is currently supposed to be onboard a United Airlines aircraft and that the one before them is therefore suspect”: *see* Summary, pages 6)

The features of independent claim 13 are described in the Summary:

- ◇ a receiver operative to receive from a requester a request for a code for an object identified by an object identifier and an information about the object (“[t]he client may want to upload data that individually tracks each item” and “deliver [the Base35 numbers], on demand, to any client who asks”: *see* Summary, page 3)
- ◇ a code generator to generate the code (“Base35 numbers rigorously selected at random”: *see* Summary, page 3)
- ◇ a database operative to associate the code with the object identifier and to associate the information with the object identifier (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ a verifier operative to verify that the requester is a manufacturer of the object (“the manufacturer is free to label parts of the toaster or not, as they wish”: *see* Summary, page 3)
- ◇ a code comparator to compare the code with a second code in the database (“[a] **PartsCode** allows anyone to quickly ascertain whether the part and person handing it to them are authentic”: *see* Summary, page 6)

- ◇ a transmitter operative to transmit the code to the requester (“[t]he client may want to upload data that individually tracks each item” and “deliver [the Base35 numbers], on demand, to any client who asks”: *see* Summary, page 3)
- ◇ means for placing the code on the an object identified by the object identifier (“the manufacturer is free to label parts of the toaster or not, as they wish”: *see* Summary, page 3)
- ◇ means for searching the database for the code responsive to an inquiry about the code from an inquirer, the inquiry received by the receiver (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ means for retrieving the information associated with the object identifier from the database, the information transmitted by the transmitter to the inquirer (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)

The features of independent claims 14 and 56 are described in the Summary:

- ◇ receiving a request for a code, the request including an object identifier (“[t]he client may want to upload data that individually tracks each item” and “deliver [the Base35 numbers], on demand, to any client who asks”: *see* Summary, page 3)
- ◇ generating the code (“Base35 numbers rigorously selected at random”: *see* Summary, page 3)
- ◇ adding the object identifier to a database (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ associating the code with the object identifier in the (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ responding to the request with the code (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)

The features of independent claims 28 and 57 are described in the Summary:

- ◇ receiving an inquiry from a requester, the inquiry including the code (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ searching a database to determine if the code is associated with an object identifier in the database (“[a] **PartsCode** allows anyone to quickly ascertain whether the part and person handing it to them are authentic”: *see* Summary, page 6)
- ◇ if the code is associated with an object identifier:
 - accessing information associated with the object identifier (“[a] **PartsCode** allows anyone to quickly ascertain whether the part and person handing it to them are authentic”: *see* Summary, page 6)
 - returning the information to the requester (“[a] **PartsCode** allows anyone to quickly ascertain whether the part and person handing it to them are authentic”: *see* Summary, page 6)
- ◇ The features of independent claims 36 and 58 are described in the Summary:
- ◇ identifying an object (“[t]he client may want to upload data that individually tracks each item”: *see* Summary, page 3)

- ◇ requesting a code for the object from a computer, the request including an object identifier for the object (“[t]he client may want to upload data that individually tracks each item” and “deliver [the Base35 numbers], on demand, to any client who asks”: *see* Summary, page 3)
- ◇ receiving the code for the object “deliver [the Base35 numbers], on demand, to any client who asks”: *see* Summary, page 3)
- ◇ placing the code on the object (“the manufacturer is free to label parts of the toaster or not, as they wish”: *see* Summary, page 3)

The features of independent claims 46 and 59 are described in the Summary:

- ◇ determining a code from an object (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ providing the code to a computer (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ receiving information from the computer concerning an object identified by an object identifier associated with the code (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)

The features of independent claim 55 are described in the Summary:

- ◇ identifying an object by a manufacturer (“[t]he client may want to upload data that individually tracks each item” and “deliver [the Base35 numbers], on demand, to any client who asks”: *see* Summary, page 3)
- ◇ requesting a code for the object from a computer by the manufacturer, the request including an object identifier for the object and an information about the object (“[t]he client may want to upload data that individually tracks each item” and “deliver [the Base35 numbers], on demand, to any client who asks”: *see* Summary, page 3)
- ◇ receiving the code for the object by the manufacturer (“deliver [the Base35 numbers], on demand, to any client who asks”: *see* Summary, page 3)
- ◇ placing the code on the object by the manufacturer (“the manufacturer is free to label parts of the toaster or not, as they wish”: *see* Summary, page 3)
- ◇ delivering the object by the manufacturer to an inquirer (“the customer can still acquire the blue shirt over the counter”: *see* Summary, page 4)
- ◇ determining the code from the object by the inquirer (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ providing the code to the computer by the inquirer (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)
- ◇ receiving the information about the object from the computer by the inquirer (“inquiries arrive regarding a single **PartsCode**” and “the ‘customer’ can quickly use any Internet access point on the planet . . . to identify the part”: *see* Summary, pages 5-6)

The remaining claims are likewise supported by the Summary.

4. The claimed invention, as described in the Summary attached as Exhibit B, was fully implemented (i.e., reduced to practice) before January 4, 2002. As noted on pages 8-9 of the Summary, before January 4, 2002 a number of companies were allied to use or implement the claimed invention: prospective customers were interested in the technology, and IBM agreed to host the software, as covered by the IBM customer number and the NDAs.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Garry R. Whyte
Garry R. Whyte

Dated: 22 May 2007



EXHIBIT A

Page 1 of 1

PartsCode LLC

Do Not Distribute.

This Message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is hereby prohibited. If you have received this communication in error, please notify the **PartsCode** company immediately by telephone (503)678-5750 and return the original message to us via the U.S. Postal Service at PO Box 447, Aurora, Oregon, 97002-0447. Thank you.

PartsCode

PartsCode is a service company that will supply alphanumeric “codes” to clients for free and then charge fees for downstream access to stored information about the items with which the individual codes are associated.

That “stored information” will consist of whatever data the client companies wish to provide to or learn from their customers, or the general public. This can be verbose product information, internal logistical progress reports, safety alerts, expiration notices, Internet links to product service centers, customer registration data, current ownership and anything else the client company might wish to know, publicly publish or privately convey between business units.

The **PartsCode** company provides the storage space where this happens and, ***most importantly***, coherent access for the company, its customers and the general public to the specific information they need to know about a particular item they have, want or are discarding.

This auditable coherency is the real value added, the real product. Coherent because it is presented to the viewer, whoever they are, in a fashion and at a level that *they know what to do next* in order to answer their own questions or store information that answers the client company’s future questions. It is auditable in that even low atomic value, anonymous commodity processes, such as grain shipments, are now capable of being reverse-engineered, or more accurately source-engineered right back to the farm.¹ Additionally, as the value of coded items increases, the motivations to inform also increases across the board. On the opposite end of the spectrum from grain shipments, pharmaceutical products and aircraft parts inherently attract diligent record keeping on every single item. Record keeping that **PartsCode** will convey to its greatest audience and its best purpose.

What's Under the Hood?

PartsCode LLC is deceptively modest. We take Base35 numbers² rigorously selected at random, bundle them into large groups and deliver them, on demand, to any client who asks. These *PartsCodes* may be either 16 or 25 digit numbers depending on the application and from that point on they are subject to the client's instructions as found on their particular *Client Preferences* page on the **PartsCode** web site. The client may want to upload data that individually tracks each item (Aircraft parts) or they may want to keep track of groups of numbers in, say, shipment increments (Apparel) or they may wish to associate a source or producer with a large group of **PartsCodes** (Grain shipments and some Apparel).

PartsCodes will automatically arrange themselves in groups or supergroups, which is to say that an aircraft manufacturer would know the **PartsCodes** on all the parts of a particular aircraft by association with the **PartsCode** assigned to the aircraft as a whole. In less stringent need areas, toasters for instance, the manufacturer is free to label parts of the toaster or not, as they wish. This, level of *granularity* is entirely discretionary, entirely the choice of the client.

It is the feeling of the **PartsCode** company that as people become more and more used to the *completeness* **PartsCodes** add to their products, they will desire more and more detail, more and more product and customer intimacy. That demand will cause the service to propagate vertically through individual products and horizontally across client product lines and from company to company.

Gilt by Association

How does this activity turn into money? First of all, the codes are not expensive. Like business cards the first one may cost some time and effort, but the quattuordecillions and quattuordecillions that come after will have immeasurably small unit costs. So we give them away. Secondly, Petabyte hard disks are close to mass production and will be found on home systems as early as 2004, so holding onto the **PartsCodes** won't be prohibitively difficult or costly. And thirdly, lastly, Internet based services, such as **Google**, now do in excess of 300 million "lookups" per second/per search. So the *largely dormant*

population of **PartsCodes** will be individually retrievable without needing any new or cutting edge technology. In short, there is nothing outlandish in **PartsCodes** operational assumptions, it's only the human element that requires any leap of faith and that leap should be shorter than a shoelace.

The Internet, for the first time, allows people to express their self-interest bi-directionally. That is to say, in the past a person might choose a blue shirt from the store shelf and purchase it in an act of self-interest and the transaction would most likely end there. In a few cases they may return an item for one reason or another, but by in large they were finite and ephemeral transactions that ended at the cash register.

With **PartsCodes**, and Internet connectivity, the customer can still acquire the blue shirt over the counter, or by any other venue, but as that shirt enters the *customer's domain* they are now able to go online, to one place, insert their private personas into the vendor's and manufacturer's data stream and lightly *and perpetually* reside there waiting for that presence to be useful to any one of the three parties involved.

And there are actually many more than three parties involved, there are also insurance companies, PR agencies, shipping companies, blue dye and button makers; each of whom may want to collect just the tiniest bit of customer information to make themselves better companies. In past times this would be far too expensive a proposal, but now that the customers themselves have *self-organized* around a coherently indexed interchange (**PartsCode**), one that is indifferent to individual differences, such as geographical locations, and is nearly friction-free, it is very easy to acquire needed information at any time and in fact in near real time. So no waiting for surveys.

But it won't be free. **PartsCode** will charge something for each client company's presence on the company web site, something for click through referrals, something for customer look-ups, and a little for general public look-ups; something along those lines.

The carrot for some companies will be customer intimacy, for others it will be quality control, in all cases we will provide the same identity service, the same paradigm of trusted neutral quality.

What About the Bad Guys?

PartsCode is not perfect. There are ways around its protective features. But two things, one, those *ways* become more difficult as the value of the object rises and, two, the least trespass is auditable. The perpetrators and their path are both easily knowable, after the fact.

This is new to, for instance, the apparel industry where anonymous diversions of their products have caused tremendous and unexpected market fluctuations and to the grain industry where contamination is the first thing that is commoditized, standardized before the grain is even harvested. Now both industries can backtrack, find the culprits and deal with the breaches.³

Directly counterfeiting a **PartsCode** will do a person little good. Counterfeiting is the repeated copying of a single thing, and in the case of **PartsCodes** repeatedly copying one single **PartsCode** will be easily spotted by customs agents, jobbers, shippers, wholesalers, retail buyers and lastly customers. Anyone with Internet (Browser) access will be able to identify an illicit process, stop it and let interested parties backtrack from that point at their convenience.

But even if they don't look, let's say out of a Lot of 10,000 Basketball Jerseys only ten or twenty of the new owners (.1-.2%) register them on **PartsCode's** (Or **Nike's**) web site (It actually only takes two). When multiple inquiries arrive regarding a single **PartsCode**, two or three simple questions will quickly establish the counterfeiting. Questions such as... What color? & Where did you get it?

Knowing where the Jerseys were sold, where the **PartsCode** was originally sent (which manufacturing unit), which shift used that **PartsCode**, where they were sent for distribution... and so on until the whole loop is identified makes any point of departure easy to spot and investigate.

Aircraft parts are much easier. Aircraft parts have high positive values when certified and new, and high negative penalties when uncertified or "used." It is in the manufacturer's interest and in the customer's (airline's) interest to track the

current use of every certified part, which they do now. But there's no loop, there's no information completeness. Now, at some point even the most valuable part can become "scrap" and divorced from the customer, but that is a bureaucratic stipulation, the piece itself may actually appear genuine and usable, something easily incorporated into a different parts stream by an unethical business owner and now something that can cause great grief for the manufacturer and the general public.

A **PartsCode** allows anyone to quickly ascertain whether the part and the person handing it to them are authentic. (The absence of a **PartsCode** is a sure warning.) If the "seller" tells them the aileron hinge bushing they have in their hand is "certified" and "new" the "customer" can quickly use any Internet access point on the planet (A Cyber café?) to identify the part. They might discover that it is currently supposed to be onboard a United Airlines aircraft and that the one before them is therefore suspect. In fact, the one in the UAL aircraft now becomes suspect too and its path to placement can be examined for common junctures with the paths of other previously revealed suspect parts.

(The auditing of junctures in placement paths is a unique feature of broad, public indices such as **PartsCode** and means that, in the long run, the bad guys don't need expensive pursuit. Their own market economies will run them out of gas and hopefully to more constructive endeavors. It also means that the system can repair itself. In the example above **UAL** is certainly unaware that their bushing is likely counterfeit.)

Who Wants to Know?

Another feature takes a more stealthy approach. Recently a video tape of Osama bin Laden was broadcast world-wide by news agencies. The first and last fifteen minutes were comprised of dialogues, but the middle thirty minutes were from a handheld video camera touring the site of a US helicopter crash in Afghanistan.

During this middle-section, five different manufacturers of that aircraft's parts were identified as to their name and location, i.e., exact addresses. Under the new rules of engagement, this identification could have formed an instruction set for anyone

needing to know where to park a rental truck filled with fertilizer, a little diesel and a detonator. The U.S. military with its current low parts reserves policies could have found itself missing a complete weapons system, in short order and at very low cost to Osama. It may still happen.

If the parts labeling had been limited to **PartsCodes** alone, their airing wouldn't have had the "political" impact value and, more importantly, if anyone seeking knowledge, had asked **PartsCode** about a part from that particular aircraft, military authorities would quickly have known that the inquiry was connected to enemy purposes and they would have been able to locate, identify, inform, mis-inform, acquire data, even track keystrokes and email addresses on the perpetrator's computer. Overtly, surreptitiously, quickly, slowly; however they wished to proceed, progress would be possible. It isn't now.

PartsCode LLC & Its Associations

PartsCode LLC is an Oregon company registered by and solely owned by Garry R. Whyte. This is not its final form, it is simply a form of convenience at this juncture.

We, the corporate we, have some current relations with individuals and companies as outlined below. Everyone involved has personal or corporate interests in achieving solutions to counterfeiting and identifying frauds in general and the companies have practical reasons as well. Besides myself, Garry Whyte, Al Bosco and Thorsten Hoins have both provided months of support. Al is likely to be the first employee hired and coming from a background of many years with the U.S. Secret Service (Presidential Detail) and currently working for BofA in their credit card fraud division, he would be a very valuable and appropriate individual.

PartsCode LLC currently owns the following Internet domain names...

AuthenticationCode.com
AuthorizationCode.com
DeliveryCode.com
PartsCode.com
PrivatePersona.com
PrivatPersona.com
Uniqueidentifier.com
VerificationCode.com

Our business alliances are with...

Ideo – A very good international design and product development firm willing to take on the plastic surgery for our *Public Face*. And, importantly, willing to advance us Venture Funding with no equity demands.

Paxar - Prints 85% of the apparel identity and instructional tags, world wide, and after meetings in their Pennsylvania offices are willing and eager to incorporate **PartsCodes** into their product offerings. For some manufacturers already connected up to

Paxar's software, such as **Levi Strauss**, the cost of this implementation would be essentially zero.

IBM - PartsCode LLC has talked to **IBM** about their hosting the entire **PartsCode** project on their machinery to give it inherent scalability. And a little about their financial support of such an endeavor. We currently have an **IBM** customer number and NDA's

Boeing - Wants further information, is interested.

Nike - Understands the concept, likes it, doesn't know how it can be low cost.

Columbia Sportswear – Same as Nike, but more proactive and enthusiastic.

Levi Strauss – Flat out enthusiastic and we haven't yet told them about the Paxar visit. Levi's are interested for the additional reason that they are becoming a licensing only company. They will soon have no company owned production units and they have only rudimentary methods of auditing the licensed production levels.

e-Grain Storage – An IBM client with an innovative method of storing and shipping grains that guarantees cleanliness.

Warts

In 2001 we had long meetings at the Fulbright & Jaworski offices (Mr. Pike Powers) in Austin, Texas. Our mutual understanding was that they would connect us up with the Dell Ventures group and we would choose them as our attorney's of record after funding arrived from Dell. However, the individuals with whom they had relations at Dell Ventures moved on to other companies before we initiated any business. So we accumulated some \$12,957 in billed time at Fulbright, and although they have not asked us for it I (GRW) do consider it a debt to be paid.

The company has no other debts, for that matter does not even have a checking account.

Plans

We will shortly (June/July) have representatives from **Paxar, Levi Strauss, Boeing** and **Ideo** together in the same room. **Ideo** will bring representatives from **Google**, with whom they have intimate dealings.

Our plans for the moment are to be ready for that meeting.

Notes

1. If farmer Wilson is harvesting corn, his combine would be occasionally spitting Lima beans labeled with **PartsCodes** into the harvest stream. These beans would in no way effect the downstream processing of the corn and would simply ride along as markers, part of a system that the end user could inherently trust because overturning its simple logic would be so expensive and time consuming that it wouldn't be worth the effort. As the grain shipment arrives at its final destination, customer agents can jump into the ship's hold and find one or a few Lima beans and (wirelessly) link to the Internet and reveal their source.

Even as the grain is delivered to the ship by conveyor it would be possible to calculate that there should be a visible Lima bean every "X" number of feet along the conveyor. Abnormal values for "X" would indicate contamination.

Transgenic agriculture and its detractors make this new utility even more timely and important to end users.

2. A Base35 number can use all the cardinal numbers (0,1,2,3,4,5,6,7,8,9) and all the alpha characters commonly used by computers, excepting the "O" so that it can't be mistaken for a Zero or visa versa. (A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y & Z) (25+10=35)

PartsCodes look like... A8SL WMRY GQPX JWPf

3. Logistics systems are frequently described as "trees" because their pattern of flow looks like a tree with the producer at the leaves and the shippers traveling down along the branches combining their loads at the places where the branches come together.

If you have a logistics tree for one shipment found to be contaminated and another tree for another contaminated shipment it's those junctures that the two have in common when juxtaposed that will identify the contamination site. It may take three or four shipments to identify the individual culprit, but now there's no method at all.